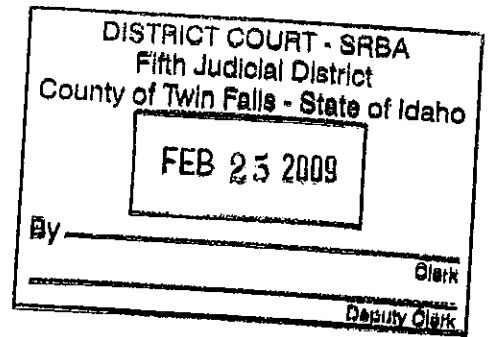


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FEB 26 2009

DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcases 34-00230, 34-00231, 34-00232,
) and 34-02418
)
) ORDER REQUESTING AMENDED
) DIRECTOR'S REPORT FROM IDWR;
)
) ORDER SETTING DEADLINES

On November 25, 2008, the Lezamiz Family Limited Partnership (claimant), through its attorney Fritz X. Haemmerle, filed a *Motion to Set Aside Partial Decrees* for water right nos. 34-00230, 34-00231, and 34-00232. The *Motion* is predicated upon the assertion that these three water rights were under claimed in the SRBA, and the errors were not discovered until the Lezamiz Family Limited Partnership filed a late claim for water right no. 63-02418. A hearing on the *Motion* was held on February 10, 2009. Based upon the comments of the participants at the hearing, this Special Master makes the following findings: 1) that the claimant has demonstrated that it is no longer equitable that the previously issued partial decrees should have prospective application; 2) that there is little likelihood of prejudice to other parties in the SRBA should the Court set aside the partial decrees, and 3) that a meritorious position has been presented.

Also based upon the comments of the participants at the hearing, the following are hereby **ordered**:

1) IDWR shall file an *Amended Director's Report* for water right claims 34-00230, 34-00231, and 34-00232 no later than **March 31, 2009**.

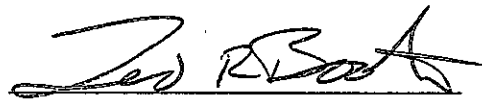
2) Notice of the filing of the *Amended Director's Report* shall be published on the Court's Docket Sheet in April, 2009, and objections to the *Amended Director's Report* shall be filed by **April 28, 2009**.

3) A status conference will be held on **May 5, 2009 at 10:00 AM** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

In the absence of any objections to the *Amended Director's Report*, this Special Master intends to issue a Special Master's Report and Recommendation that the SRBA Presiding Judge set aside the previously issued partial decrees and issue new partial decrees for water rights 34-00230, 34-00231, and 34-00232 with the elements as set forth in the *Amended Director's Report*.

IT IS SO ORDERED

DATED Feb. 25, 2009



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUESTING AMENDED DIRECTOR'S REPORT FROM IDWR; ORDER SETTING DEADLINES was mailed on February 25, 2009, with sufficient first-class postage to the following:

JOHN LEZAMIZ FAMILY LIMITED
JOHN LEZAMIZ FAMILY LTD

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

L VERNON WOODBURY
RT 1
MACKAY, ID 83251
Phone: 208-588-2227

ORDER

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